

MESSAGE NO: 4051316 MESSAGE DATE: 02/20/2014

MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐  
SUB-TYPE: ALIWE-Auto Liq Exception

FR CITE: 79 FR 6147 FR CITE DATE: 02/03/2014

REFERENCE  
MESSAGE #  
(s):

CASE #(s): A-570-827

EFFECTIVE DATE: 02/03/2014 COURT CASE #:

PERIOD OF REVIEW: 12/01/2012 TO 11/30/2013

PERIOD COVERED: TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Non-review liquidation instructions for certain cased pencils from the People's Republic of China for the period 12/01/2012 through 11/30/2013 (A-570-827).

1. Commerce does not automatically conduct administrative reviews of antidumping duty orders. Instead, reviews must be requested pursuant to section 751(a)(1) of the Tariff Act of 1930, as amended, and in accordance with 19 CFR 351.213.

2. Commerce will not revise the assessment rates for firms with a Non-Market Economy separate rate for which an antidumping administrative review was not requested for this period. The firms listed below have a Non-Market Economy separate rate and are not subject to the review for the period 12/01/2012 through 11/30/2013. Therefore, in accordance with 19 CFR 351.212(c), you are to assess antidumping duties on merchandise entered, or withdrawn from warehouse, for consumption for the firms listed below at the cash-deposit rate in effect at the time of entry:

Product: Certain Cased Pencils

Country: People's Republic of China

Case number: A-570-827

Period: 12/01/2012 through 11/30/2013

Liquidate all entries for the following firms:

Exporter: China First Pencil Co., Ltd.

Case number: A-570-827-004

Exporter: Shanghai Three Star Stationery Industry Corp

Case number: A-570-827-005

Exporter: Kaiyuan Group Corporation

Case number: A-570-827-009

Exporter: Shanghai First Writing Instrument Co., Ltd.

Case number: A-570-827-013

Exporter: Shanghai Great Wall Pencil Co., Ltd.

Case number: A-570-827-014

Exporter: China First Pencil Fang Zheng Co., Ltd.

Case number: A-570-827-015

3. There are no injunctions applicable to the entries covered by this instruction.

4. Entries of merchandise of firms not listed in paragraph 2 should not be liquidated until the issuance of specific instructions after completion of the administrative review for the period 12/01/2012 through 11/30/2013. Continue to suspend liquidation of all entries of merchandise that were exported by firms not listed in paragraph 2 and entered, or withdrawn from warehouse, for consumption during this period.

5. Notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 2 occurred with the publication of the notice of initiation of administrative review for the 12/2013 anniversary month (79 FR 6147, 02/03/2014). Unless instructed otherwise, for all other shipments of cased pencils from the People's Republic of China you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.

6. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated antidumping duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

7. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of Commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the producer, seller, or exporter, to be reimbursed antidumping duties, CBP shall double the antidumping duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping

duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

8. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by OI: MJK.)

9. There are no restrictions on the release of this information.

Michael B. Walsh

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party